

zation of a year from conviction as the Governor shall in each case deem fit, and that meantime the culprit shall be kept at hard labor in one of our State Prisons; and that hard labor for life in some State Prison should be the punishment of Murder in the second degree. So much is beyond the reach of civil legal quibbling.

Now, suppose it the fact that the Legislature, by mistake or oversight, repealed so much of our former laws as prescribed the mode of inflicting death—and that is the full scope of the civil—what of it? Why should not our Judges proceed to try and convict murderers as heretofore, and sentence them in strict accordance with the law as it is? Suppose Judge Gould or Judge Ingraham should try half a dozen alleged murderers, and find two of them guilty of murder in the first, other two of the same offense in the second degree, and the residue innocent—what then? The Judge sentences the first two to death, saying nothing of the mode, because the law (as he holds) is defective on that point. He sentences the next two to imprisonment at hard labor for life, and sets the acquitted free. Now, the four convicted murderers are taken to State Prison and there set to work—so far, there is no difficulty, and can be none for a year. Meantime, a new Legislature meets, supplies any deficiency in or silences any evil respecting the present law, and the culprit, already, under sentence are dealt with accordingly. What hinders? To prevent that a conviction of a crime punishable with death is invalidated by the fact that the mode of such death has not yet been clearly prescribed, is only a little less absurd than if Lex were to argue that a sentence of death was invalid because it did not specify the number of rounds in the ladder by which the culprit should ascend to the scaffold. Let the convict be sentenced to death simply, and thereupon put to work in State Prison as the law prescribes; and if the Legislature should not see fit to prescribe beyond evil the kind of death to be inflicted, he would remain at hard labor in State Prison for the residue of his natural life. That is the worst that could ensue—and it does not seem to us so very deplorable. Judges Gould and Ingraham of course think otherwise; but that gives them no right to nullify the law, nor their editorial backers to assert that "the Legislature of 1860 has 'attainted all punishment for Murder.'"

We truly understand the game. The plain intent is to render the modification of our bloody code odious on grounds totally aside from its intrinsic merit, and thus raise a blind clamor for its repeal. We shall try to prevent the success of this maneuver.

#### PAPER SLANDERS.

One of our correspondents has set forth, in a partial degree, the relation of *The New-York Express* to the City Treasury; but, from haste or want of information, he has come far short of showing the amount of paper doled out to that valuable journal by the City Government. Upon a tolerably careful scrutiny of the books of the Finance Department for the past twelve months, we find that *The Express* was paid:

First quarter of 1860.	\$7,823 38
Second quarter of 1860.	2,400 59
Third quarter of 1860.	4,363 50
Fourth quarter of 1860.	2,151 47

Total for a year. . . . . \$17,741 46

The last quarter, being just before election, when political organizations are lavish, shows a small figure; but when the suppressed surplus comes in, it will bring the bill for the year up to about \$20,000. The greater portion of this bill is made up by charging the city ten cents (four cents a line, or forty per cent more, we believe, than it charges other advertisers) a line for the reports of Common Council proceedings, and other city matters, which are systematically elaborated so as to spread over the greatest possible amount of paper—since not only *The Express*, but nearly a dozen other journals also out their existence by this charity of the Common Council. In all the atrocities of the Japanese swindle, who ever heard a word of real condemnation from these paupers? No one; these who did not sympathize with public robbery were afraid to utter a word of rebuke, lest their means of existence should be cut off. Now it is this *Express*—living, like any other newspaper, upon the earnings of the tax-payers of the city—that daily and hourly vilifies and insults the honest voters of all the Northern and Western portion of the Union. It has made detraction and slander its capital, and reduced misrepresentation to such constant practice that it has become second nature. Its standard of moral character cannot be more tersely expressed than by itself, in these words, fairly quoted from its leading article of yesterday:

"Politics now is a man's best business. There is no so good way to make money, as to keep true to the public avenue for making money. There is no trade, no traffic like which will patriotism to self-interest."

Presenting nothing in the shape of argument, or at least nothing that is not based directly upon dollars and cents, its favorite weapons of warfare are foul words, personal insults, garbled quotations, and vile epithets.

#### WHAT SHALL WE DO?

A very able and ingenious article in *The Boston Courier*, in explanation of and apology for the degree of social tyranny admitted to exist at the South as to the free expression of opinion on the subject of Slavery, concludes by putting this question: "How can men in Massachusetts act to produce a better tone of sentiment in South Carolina, so as to encourage the men there who 'think Slavery an evil in itself to speak out their minds'?"

We should say, in answer to this question, let the men in Massachusetts do their best to take the administration of the General Government out of the hands of those who exercise this social tyranny at home, and who seek to employ the power and patronage of that Government to extend the same social tyranny into the Free States. So long as the slaveholders are able to control the administration of the General Government, and to make total silence as to the evils of Slavery, if not loud-mouthed justification of it as a thing good in itself, an indispensable qualification, even on the part of free white men, for favor at Washington, it is vain to expect any abatement at the South of that social tyranny on this subject which *The Courier* admits and laments. At the North, and even in Massachusetts itself, there has been some instructive experience on this subject. Riots to put down the free expression of opinion on the evils of Slavery were formerly to occur in and encouraged by persons of high social and political standing. Even Boston itself, if we are not mistaken, was the scene of one or two such riots. A learned criminal judge of that city laid down the doctrine that the free expression of opinion on the subject of Slavery was indictable at common law, and the Governor of the State, in his message to the Legislature, hinted at the expediency of penal enactments. The liberty of speech and of

the press on the subject of Slavery which now exists throughout the North, is largely owing to the transfer of political power from the hands of those who were willing to wink at, if not to participate in, these assaults upon it. The first step, as it seems to us, toward ridding the South of this system of espionage and intolerance under which it now groans, is to transfer the administration of the Federal Government to those who will give it no countenance. Thus sustained, we may expect to see a free speech party springing up in all those States. It is just the dread of such a party which makes the slaveholders regard with so much repugnance the triumph of Lincoln at the ensuing Presidential election.

Never was a party so badgered as the Democratic party. The truth of that Scripture—"There is no peace to the wicked"—is proved anew in its case. Its members may say again, as one of its most distinguished leaders said long ago, "Our sufferings are intolerable." They cannot fuse at the right time and in the right place, and where fusion finally is accomplished at all, it comes too late. Taxation for party purposes is merciless, the unhappy tax-payer knowing that the sum he gives so grudgingly is money thrown away, and that he may not use the poor privilege of grumbling about when the returns show that the majority against his side may be counted by the number of dollars expended to "prevent it"—to use the expressive term of *The Journal of Commerce*. One of the most remarkable cases is that of a Bank President of this city, who was nominated for Congress, a few days since in a neighboring county, by the Democratic party. No sooner was the nomination made known than there was a run—not upon the bank—but upon its President. He was beset by a board of hungry "roughs," who wanted various sums, from five dollars upward, to be used for electioneering purposes. Every mother's son of them was sure he could do this, or he could do that, he could bring an influence to bear in this place, or he could bring it to bear in the other, to the precise amount asked for, if he only had the money. The regular bank customers are disgusted at being brought in contact with such a crowd; irreverent clerks and tellers laugh slyly behind ledgers and desk lids; the bank parlor becomes a scene of turmoil and excitement hitherto unknown in the hushed silence and dignified tranquillity of those almost inaccessible inner temples. The patriotism of the President almost yields under this painful and unprecedented pressure. The obvious remedy in a banking institution is to stop payment; but that is forbidden by party usage. The only escape is to resign the nomination to which the unhappy and badgered gentleman may yet be driven.

### THE LATEST NEWS

#### RECEIVED BY MAGNETIC TELEGRAPH.

From Washington.  
Special Dispatch to *The N. Y. Tribune*.  
WASHINGTON, Friday, Oct. 26, 1860.  
THE DISUNION HUMBUG.

Judge Meek, the boom friend of Mr. Yancey, and Speaker of the Alabama House of Representatives, has been here a few days, and declares there will be no disruption of the Union in case of Mr. Lincoln's election. He also says the charge that Mr. Douglas framed the Lecompton Constitution, as it was submitted to the people of Kansas, and the assertion that any anti-Douglas man was offered the Vice-Presidential nomination on the Douglas ticket, are both too silly for anybody to believe.

SENATOR CLINGMAN TO BE SUPPLANTED.  
According to an *ad. dit.* Gen. Joe Lane is going to North Carolina to supplant Senator Clingman.

AN IMPORTANT QUERY.  
There being a determination among the seceders to break up this Government, the question arises what is to become of the U. S. Census which is now being prepared by clerks advocating disunionism and secession in case of Mr. Lincoln's election? Are they going to take the Census along? There is not one single clerk appointed in that office who is not in favor of Breckinridge.

THE DEPOSITS NOT TO BE REMOVED YET.  
The arrangement for transferring the United States money from the New-York Sub-Treasury to the South is not to be carried out immediately, as the time for secession has not yet arrived. But matters will be so prepared that at the shortest notice the Sub-Treasurer at New-York will obey orders from Washington without hesitation.

Grand Rally at Tarrytown.  
Special Dispatch to *The N. Y. Tribune*.

TARRYTOWN, Friday, Oct. 26—10:45 p. m.  
Tarrytown is ablaze with excitement to-night. Such a scene was never witnessed here before. A thousand Wide Awakes are parading the streets, and crowds of enthusiastic Republicans are looking on and cheering the procession. Judge Kelly of Philadelphia and Judge Nelson of Peekskill addressed the people.

#### Railroad Accident.

BOSTON, Friday, Oct. 26, 1860.  
The steamboat train from New-York, from Fall River for Boston, ran off the track near Myrick's Station this morning, owing to a broken rail. Mrs. Drinkwater of Portland, Me., had an arm torn off; Mr. Pond, of Bucksport, Me., had an arm broken; an infant had a thigh broken, and several other passengers were considerably, but none fatally injured. The injured persons were in the last car, which was overturned and dragged several rods on its side. Mrs. Drinkwater was taken back to Fall River where her arm was amputated. The injured persons were brought to this city (Boston). They are all doing well.

#### Railroad Convention.

CINCINNATI, Friday, Oct. 26, 1860.  
The delegates to the Railroad Time-table Convention assembled at the Railroad Time-table Convention. The attendance was large, twenty-seven roads being represented. H. J. Jewett presided.

A Committee of sixteen was appointed to prepare and submit to the Convention a Time-table, and to meet again tomorrow to meet again to-day. Upward of \$500,000 of railroad interests were represented in the Convention.

#### Marine Disaster.

BOSTON, Friday, Oct. 26, 1860.  
The fishing schooner *Peabody*, of Fall River, Maine, Capt. Condon, was wrecked on the 6th instant, near Cape Edward Island, and all hands, thirteen in number, were lost.

#### Thanksgiving Day in Pennsylvania.

PHILADELPHIA, Friday, Oct. 26, 1860.  
The Governor has appointed November 23, for Thanksgiving.

#### Death of "Old Adams."

BOSTON, Friday, Oct. 26, 1860.  
J. C. Adams, of California, a grizzly bear, died this morning.

#### Wreck, and Three Lives Lost.

BOSTON, Friday, Oct. 26, 1860.  
The British schooner *Humming Bird*, Capt. Callahan, from Labrador for Halifax, was wrecked on the 7th inst. off Antigonish. The captain, Stewart, and 7th inst. off Antigonish. The others, four in number, were saved—two on a raft, and two were picked from the wreck, having been six days without food or drink.

### ONE DAY LATER FROM EUROPE.

#### ARRIVAL OF THE CANADIAN.

FATHER POINT, Friday, Oct. 26, 1860.  
The steamship *Canadian*, from Liverpool 11th, via London, arrived at the 12th inst., passed Father Point at 6:30 a. m. to-day, en route to Quebec. Her arrival is one day later than those by the City of Washington of Cape Race.

The steamship *Bremen*, from New-York, arrived at Southampton on the 11th.

The steamship *Kangaroo*, from New-York, arrived at Queenstown on the 11th.

The English news is wholly unimportant.

The Paris correspondent of *The London Times* says private trustworthy accounts from the Island of Sardinia speak of the commencement of maneuvers by secret agents there in favor of annexation to France, in the same manner and by the same means as were employed by French emissaries in Savoy and Nice.

The *Bonnie*, on the 10th, was very fast, and ran to New-York in 10 days, 10 hours, and 30 minutes.

Gen. Cialdini has received orders to cross the Neapolitan frontier, and decisive events were expected to occur at any moment.

Garibaldi was about to convolve the Electoral College of the two Sicilies to vote by universal suffrage.

The Piedmontese corps d'armée in Naples will amount to 30,000.

Affairs in the Papal States are unimportant.

It was reported that Lamarmora had telegraphed to Maresilles to secure passage in the steamer for Civita Vecchia for himself and three officers.

The Sardinian Chambers were debating the law of annexation, and a vote was expected to be taken on the 11th.

It was reported that Russia was about to recall her Ambassador from Turin.

Advice from Rome confirms the statement that the French would occupy Viterbo.

The Pontifical gendarmes pressed the French by two hours. The inhabitants prepared to repulse them, but to yield to the French.

Marquis Depolli had proceeded to Viterbo to reassure the inhabitants that Victor Emmanuel was at Maserano. The statement is confirmed that Spain had proposed a Congress of the Catholic powers at Gasta.

In Austria an extraordinary credit had been granted to the naval department for the construction of naval batteries to defend the entrance of the ports.

Since the departure of Fird Pasha from Syria the Mussulmans had recommenced their massacre and killed twenty Christians. The remaining Christians were emigrating to Latakia. The Mussulmans were furious against the Christians, and had threatened the life of the Russian Consul.

#### THE LATEST—Via Liverpool.

The new Pro-Dictator of Naples, as soon as he was appointed, addressed a letter to Mazzini, complimenting him on his patriotism but asking him to give a proof of it by leaving the country; telling him that even without intending it, he caused disunion; that many used his name with the partricial intention of exciting another banner in Italy.

There is a probability of a Congress on the affairs of Italy.

The *London Daily News* correspondent at Naples, an Italian, has been killed; his anxiety for the result of the battle of Vitorio, let him too far in advance, and he was unfortunately shot.

The *Paris* says that Garibaldi has thanked the members of the English ship *Remora*, who served the Garibaldian guns on the 11th. The men were that day on leave of absence.

The Piedmontese troops were expected before Capua 15th inst. It was anticipated that the Neapolitans would evacuate the place before their arrival, and retire to Gaeta.

Funeral services have been performed in all the churches of Rome for Gen. Plinard. Gen. Goyon was present at the French Church of St. Louis.

Via London, Friday, 12th.

The *Post*'s Paris correspondent telegraphs that no protest, in a diplomatic sense, has been made by Russia, Austria, and Prussia against the entry of the Sardinian troops into Neapolitan territory.

The *Times* says the French Government is questioning the Chambers of Commerce throughout France as to the advisableness of anticipating the duties fixed by the treaty for the admission of the reduced duties on various classes of British manufactures. Some are for maintaining the delay; but others say a prolongation of the transaction is injurious, and that British machinery and tools ought to be admitted at the reduced rates forthwith, and all other articles on the 31st of December. A majority of the replies will probably be in favor of anticipating the period of complete operation of the treaty.

The insurance of Messrs. Goodhart, sugar refiners at Limehouse, whose buildings were destroyed on Wednesday, had not been paid. The extra period of fifteen days allowed to each office had, however, not expired. On the premium being tendered, the offices, with the exception of the Liverpool and London, refused it.

The *Paris* correspondent of *The London Times* remarks that a movement of the Austrians need not take place by surprise. Austria considers herself released from all obligations contracted with the French Emperor, and has good reason to know that that Government, bent on extermination, have prepared and probably brought to maturity their plan for an insurrectionary movement in her provinces.

A private letter from Turin announces that a large armament has been ordered by the Piedmontese Government, and the day before the Sardinian Minister's departure from Paris a supply of 50,000 muskets and 11,000,000 percussion caps was granted by the French Government to its ally.

It is reported that the French army at Rome is to be increased to 60,000 men, and the garrison at Lyons put on a complete war footing.

The *Times*, in a leader, says free Europe is tired of buying liberty of Napoleon, pound by pound, and if the absolute Europe of Waterloo means anything, it is rather tired of seeing him sell it. Napoleon III is master of the destinies of Italy, and cannot prevent him crushing her unity, or from coming her to any Holy Alliance, if he should see fit; but if we read the signs of the times aright, what he does henceforward must be done gratis.

PARIS, Friday.—The *Monitor* publishes the monthly returns of the Bank of France, which shows, as compared with September, an increase in bills discounted, an advance of twenty-eight and three quarters millions, an advance of two and one-third millions francs in bank notes, a decrease in cash on hand of ninety-one million francs; in treasury, balance of fourteen and four-fifths millions, and in current accounts of twenty-three and one-half million francs.

The Constitutional contains an article signed by M. Boniface. He says, it does not belong to any foreign State, no more to Sardinia than Austria, to intervene in Naples and Sicily. Between the invasions of Garibaldi and of Sardinia, there is a great difference. Garibaldi came to raise and direct revolution in the interior. With his hands he would only communicate to them a proper spirit in their struggle against an unpopular Government. Sardinian invasion constitutes a direct intervention of one regularly constituted State in the affairs of another independent State. Strange to say, Sardinian invasion took place without any declaration of war, the representative of the King of Naples still being at Turin. By the entrance of the Piedmontese troops into the Roman States, Sardinia has violated the principles of neutrality. Count Cavour gave it to be understood that the entry of the Sardinian troops into the States of the Church was principally directed against the influence of Garibaldi; now, on the contrary, it has become evident that they go to aid him. M. Boniface deplores the conduct of the Sardinians.

COMMERCE INTELLIGENCE.

By TELEGRAPH TO LONDON, Friday, Oct. 26, 1860.

LIVERPOOL, Friday, Oct. 26, 1860.

LIVERPOOL COTTON MARKET.—The market was very quiet, and the price of cotton was steady.

LIVERPOOL WOOL MARKET.—The market was very quiet, and the price of wool was steady.

LIVERPOOL LIME MARKET.—The market was very quiet, and the price of lime was steady.

LIVERPOOL IRON MARKET.—The market was very quiet, and the price of iron was steady.

LIVERPOOL SUGAR MARKET.—The market was very quiet, and the price of sugar was steady.

LIVERPOOL RICE MARKET.—The market was very quiet, and the price of rice was steady.

LIVERPOOL BEAN MARKET.—The market was very quiet, and the price of beans was steady.

LIVERPOOL CORN MARKET.—The market was very quiet, and the price of corn was steady.

LIVERPOOL OIL MARKET.—The market was very quiet, and the price of oil was steady.

LIVERPOOL FLOUR MARKET.—The market was very quiet, and the price of flour was steady.

LIVERPOOL HOPS MARKET.—The market was very quiet, and the price of hops was steady.

LIVERPOOL MALT MARKET.—The market was very quiet, and the price of malt was steady.

LIVERPOOL HONEY MARKET.—The market was very quiet, and the price of honey was steady.

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waited in dignified silence till the Mayor and a distinguished citizen had officially announced the fact; then each man ran hither and thither, and the town was as an anti-bell disturbed. Soon, however, a Committee was formed—Boston is ever great in Committees—and then a smaller Committee appeared; then a Secretary was chosen.

This Secretary was the discomfited aid reading in David Eleven.

The Prince was to receive a ball in Boston. It would have been impossible to exclude the Governor from an invitation; but the card was delayed beyond the proper time, and then ungraciously sent in such a way that the wife of the Governor was not particularly honored with a mention, and in such a case silence is a slight. Then, at the ball, Mrs. Banks, supposed by people generally to be the proper person with whom the Prince should open the dance, was not offered the place. It is reported that she was not to be allowed the honor of a single quadrille, and that the movement by which she had the second place was made during the first dance, and in defiance of the prior arrangements of the Committee. Furthermore, the Governor was not asked to sit at supper with the Prince. As soon as Mr. Everett discerned this, he sent messenger after messenger in hot haste to find the Governor; with a short-sighted policy which does not promise great executive ability, he took these messengers from the Ward Eleven faction of the Committee, and, of course, they could not find His Excellency anywhere.

This is the great cause of the turmoil which now covers us with its dust. It is said that the old fogies of the Committee, who would sooner have their robes be protested to attend a cock-fight, than allow an effort to be put on the Chief Magistrate, were lambasted by the younger men, they met at the ball was a city affair, and therefore, the Mayor's wife was the proper person to open it. It is rumored that some people in Pemberton square objected to the claims of Mrs. Banks, that she was "not a lady," meaning, thereby, to sneer at her origin. But as the majority of Boston people fear to look backward lest they should see their grandfathers with sheep on their shoulders, this argument did not make much headway.